



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

*Board Of Physical Therapy Examiners*

## BOARD MEETING MINUTES

MAY 19, 2009

The May 19, 2009 meeting was called to order at 1:05 p.m.  
By the Chairperson, Margery Rodgers, P.T.

Call to Order

### Board Members present:

John Baker, PT  
Ved K. Gupta, Consumer Member  
Shirley Leeper, PTA, Vice Chairperson  
Lori Mizell, PT  
Donald Novak, PT  
Lois Rosedom-Boyd, Consumer Member  
Stephen D. Ryan, PT

### Also present:

Ann E. Tyminski, Executive Director  
Joy E. Aaron, Deputy Director  
Patricia Miller, Licensing Coordinator  
Teresa Thornton, Investigator  
Linda Bethman, AAG, Board Counsel  
Francesca Gibbs, Staff Attorney  
Sharon Bloom, Admin. Asst. to Paula Hollinger  
Anthony Bynum, Maryland Auto Insurance Fund

### Absent:

Ernest Bures, Compliance Manager  
Sandra Kurland, Office Secretary III

Expense sheets were handed out and collected.

Expense Sheets

The agenda was accepted as presented.

Agenda

The minutes of the Open Session for the April 21, 2009 Board meeting were reviewed and accepted.

Minutes

The Board next revisited the inquiry from Colleen Lillis, PT regarding feeding babies in the NICU. There was a great deal of discussion on this issue and it was decided feeding was not the best of terms for helping those babies. Feeding is a vague and gray area. Swallowing is primarily within the purview of Speech, Language Pathologists. Some Occupational Therapists and Physical Therapists have received certification in swallowing techniques for babies. Physical Therapists can certainly be involved in working on musculoskeletal problems, fascial muscles,

Feeding Babies  
in NICU

positioning, posturing etc. A PT can certainly be on the team that offers nutritional support to babies in the NICU. However, one must have highly specialized training and the competence to work on this fragile group of patients. Ms. Lillis will be given the website for such certification, [www.marjoriemeyerpalmer.com](http://www.marjoriemeyerpalmer.com)

Ms. Leeper led the discussion on the inquiry from PTA Andrea Bennett re whether a physical therapist assistant may gather the objective information for a therapy screen in a SNF/LTC setting. The Board agreed the PTA may gather objective information. The PTA, however, cannot make a determination or say yes, or no that a patient has had a decline in a certain functional area. It is not the role of the PTA to make an assessment. The PT shall take the information gathered and assess whether or not physical therapy services are necessary.

PTAs/Screens

The information received from David Thomas, PT regarding physical therapist assistants performing tests and measurements was reviewed and accepted for dissemination on our web site and in the newsletter except for changing one word, "should" to "may". A letter will be sent to Mr. Thomas thanking him for the information.

PTAs/Tests and Measurements

Craig McFarland, PT inquired as to whether it is permissible to volunteer in a clinic and function as an independent therapist by evaluating and treating patients as long as that individual is covered by a malpractice insurance policy. The Board's response is that a PT may volunteer in a clinic. He will be so notified.

Volunteer Work

An inquiry from Natalie King, PTA re developing a non-physical therapy cash-based service that will be performed at a physical therapy clinic and perhaps in the future at other non-physical therapy clinic locations. She describes this test as an Athletic movement test designed for athletes to identify limiters to their performance using objective information observed from posture, functional movement tests, gait and video. Based on this information, a basic analysis is made of what limitations can be addressed to improve performance and reduce risk of injury along with basic recommendations such as: strengthening recommended for xyz/stretching for xyz or see appropriate healthcare practitioner for orthotic assessment, etc. If the test reveals an area that needs specific evaluation and treatment the recommendation is to follow up with a PT for further appropriate evaluation and assessment. Ms. King believes that since the test is an objective analysis of an athlete's physical limitations pertaining to their sport and not a PT evaluation with no assessment of injury, no SOAP note, no goals and no plan of care, it would be appropriate for a PTA to perform the full test and analysis/recommendations.

Athletic Movement Test

The Board's response was clear that everything that was mentioned was within the scope of practice of physical therapy and it would be difficult to separate this testing from the rest of the physical therapy practice if one is using his/her physical therapy or physical therapist assistants credentials. As a PTA Ms. King cannot do the full test and offer the analysis or recommendations. If she goes forward with this venture, she cannot confuse the public and offer this as physical therapy services nor can she sign anything as Natalie King, PTA. The Board also expressed concerns that she might be in conflict with the new Athletic Trainers law.

A continuing education course entitled "Alternative Medicine and PT: Controversy & Evidence" was discussed. The Board approved the course.

CEU Course

Mrs. Tyminski explained that due to fiscal constraints the FSBPT will fund only the Board Administrators and one Board member as a Delegate to this year's Annual Meeting. They want the delegates credentialed as soon as possible. The meeting will be held October 1-4, 2009 at Loews Coronado Bay Resort, San Diego, CA. The Board agreed that Lori Mizell, PT would be delegate. Ms. Rodgers expressed interest in the agendas for the CLEAR and FARB meetings, also to be held around that time. Mrs. Tyminski will provide those agendas and will advise what funds the Board can spend when the 2010 budget is disseminated. At the June meeting it is hoped the Board can vote an alternate delegate to the FSBPT meeting and also select people to attend the CLEAR and FARB meetings. In the meanwhile, Mrs. Tyminski will credential Ms. Mizell as the Delegate to FSBPT.

FSBPT Annual  
Meeting

The minutes of the Board's Legislative Committee meeting held on May 14, 2009 were presented and discussed. The Board unanimously voted to present proposed legislation for the 2010 session that would change the definition of physical therapy to include therapeutic intervention as it was felt the original definition is archaic. The Board also discussed the proposal of the Committee to attempt to remove physical therapy as practiced in Title 13 from the Chiropractic Act. This ability was placed in the Physical Therapy Act over 50 years ago. No other state has such ability. The Committee expressed the opinion that they don't care what modalities or treatments the Chiropractors perform, they just don't want it to be called physical therapy. The rationale is that although they practice under Title 13 as well as their own Title, they are not regulated by the physical therapy board nor do they meet the requirements for practicing physical therapy. They do not take the national physical therapy examination. The Board agreed that Ms. Bethman would ask Mr. Gerber, Board Counsel to the Chiropractic Board, whether a joint committee could be formed to discuss the issue.

Legislative  
Meeting

Ms. Leeper presented a paper describing the APTA Board of Directors meeting held on April 28, 2009. APTA of MD is hosting the Annual APTA Conference in Baltimore this year. They are working on Animal Rehabilitation and Autonomous Practice (formerly referred to as Referral for Profit or POPTS). The Practice Committee is investigating the possibility of developing a list-serve to use as a Resource for practice management issues.

APTA BOD

Informational items distributed were the Louisiana PT Board newsletter and an Updated Board member list.

Informational

Francesca Gibbs, Staff Attorney explained the intense five-day mediation training that she participated in at OAH.

OAH Mediation

Ms. Leeper and Mr. Baker had submitted information about their qualifications to be Vicechairperson. Ms. Rodgers had submitted her blurb regarding her desire to remain Chairperson. Ms. Aaron collected the ballots and announced that Ms. Rodgers was voted Chairperson and Ms. Leeper, Vice Chairperson for FY 2010, commencing June 1, 2009.


Officers

There being no further open session business, the open session adjourned at 2:20 p.m. and the Board entered closed session at 2:30 p.m. for the purpose of medical review deliberations of applications, according to Section 10-508(a)(13).

Respectfully submitted,



Ann Tyminski, Executive Director



Date Approved



Margery F. Rodgers, Chairperson